

Who decides? Urban councils and consensus in the late Middle Ages

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Abstract

The prosaic records of town council meetings are an essential, if problematic, source for historians of late medieval European towns. They are a window on to the concerns, fears and ambitions of urban authorities, yet they have proved especially intractable to historians interested in the social history of urban politics. They seem to present a monotonously harmonious picture of civic unity, social solidarity and political unanimity. Urban historians have increasingly looked outside the town hall for evidence of the social divisions and political discord that truly characterized town life. They have uncovered an unstable world of 'contentious politics', in which revolt was only one possible means of dissent. This article argues that historians should return to the town hall and to the council chamber, in order to reassess the value of town council minutes. Placing the rich, and still relatively little-used, civic archive of the English city of Norwich within a wider European context, it focuses on the meaning and significance of the easily overlooked records of non-attendance at council meetings. It locates official anxieties about non-attendance not within a narrowly legal or institutional framework, but within a contemporary culture of urban citizenship, which was performative and disputatious. The article identifies a form of 'consensus politics' that involved, indeed promoted, conflict.

Key Words

Councils; towns; medieval; consensus; citizenship

Main Text

Over the last twenty years, the study of urban politics in late medieval Europe has been transformed. Sustained assault on older paradigms, most notably the rise of urban oligarchy, has greatly enriched understanding of the variable character, modes and configurations of urban political life.¹ Historians have been especially keen to investigate moments of conflict, both to demonstrate the limits of elite power and to reveal underlying structures that would otherwise remain obscured in the historical record. Renewed interest in urban revolt has brought new insights. Through closer attention to the language of contemporary sources, historians have been able to offer a more sensitive reading of the intentions and aims of urban rebels. Through the use of comparative methodologies, they have identified, described and explained differences in the patterns of revolt across western Europe. Greater clarity of conceptual thinking and critical engagement with the approaches of early modern social historians have enabled late medieval urban historians to delineate more sharply the boundaries of revolt. In situating revolt within a broader category of protest, they have also drawn creatively on other disciplines to demarcate the multiple spaces of politics and to trace and decode the varied media of urban political communication. What has emerged from the study of speech acts, genres of subversive writing and practices of assembly is a model of an often unstable and frequently disputatious urban politics. The polycentric environment of late medieval towns and cities, where so much political activity took place outside the town hall, nourished a 'contentious politics', which differed from Charles Tilly's original concept only in its relative permanence.²

English towns and cities had periods of intense and occasionally violent politics. Fifteenth-century Norwich, where clashes between rival groups of citizens coalesced around explicitly constitutional principles, such as the right of participation in civic elections, best illustrates the types of contentious politics found elsewhere in Europe. After

formal, written agreements helped to broker a hard-won peace, several leading citizens colluded to extend and deepen their political ascendancy within the city in the 1430s and 1440s.³ Resistant to mediation and negotiation, the disorder was so serious that, first in 1437 and then again in 1443, the crown appointed its own officer to govern the city.⁴ This mode of government was a return to an earlier practice of lordship and to a pre-communal stage of urban development. Yet the imposition of direct royal control, and the accompanying seizure of a town's liberties, was only one way in which the normal activities of town government might be suspended or, at least, impeded.

Norwich had two councils – the council (or court) of mayor and aldermen and the common council – each of which had its own identity, membership and meeting place, but the two councils gathered routinely as a single body in the city's common assembly to make ordinances. The town clerk recording the meeting of the Norwich common assembly in September 1437 wrote that the assembly 'did nothing because of the non-appearance of members of the common assembly, both aldermen and commoners [common councillors]'.⁵ 'On account of the lack of citizens from the common council' (*propter defectu Ciuium de Communi Consilio*) at a meeting in September 1462, the Norwich assembly was demoted to the inferior status of a 'gathering of certain citizens' (*Conuocacio certorum Ciuium*).⁶ There was 'no assembly' in August 1469 'because of the absence of aldermen'.⁷ The assembly that was to be held on Monday 6 June 1491 was cancelled for lack of aldermen and common councillors, all of whom were summoned to another assembly, several days later, on Friday 10 June.⁸ There was another temporary adjournment in February 1492, when, because of the non-appearance of unnamed aldermen and common councillors, nothing was enacted and another assembly was called for the following day to decide upon the improvement of the city's mills on the river Wensum.⁹ In July 1510, 'nothing was enacted on this day because of non-appearance', we are told, although the assembly in Norwich did decide (*set concluditur*) that this year the justices of

assize would receive a small payment instead of a meal for their services while they were working in the city.¹⁰ In August 1515, four new citizens swore their oath of citizenship before the Norwich assembly, but they may have been disappointed by the size of the audience that witnessed their speech acts. 'Nothing else was enacted on this day', the clerk wrote, 'because of non-appearance'.¹¹ In May 1525, all that the Norwich assembly could do, 'for lack of people' (*in defectu personarum*), was admit two citizens to the civic franchise.¹² Meetings of Norwich's common assembly might be postponed by the failure of citizens to attend. If they did take place in such circumstances, absences could derail discussion, or significantly reduce the range of decisions that it might make.

This article examines the subject of attendance at town councils, which was just as disruptive to the practices of urban government as the forms of contentious politics, extending from dissenting speech to armed uprisings, that urban historians have analysed so energetically and sympathetically. In re-centring the town hall as a key locus of politics, the article also sets out a model of consensus politics, which was not the antithesis to the contentious politics that historians have studied in recent years, but rather its source. Consensus is a term that has strong and weak meanings. The latter dominates modern politics and contemporary political discourse, where consensus is desired and decried in equal measure, on the same terms. Less an ideology than a way of thinking about politics, it can be both an attractive antidote to an unstable politics of division, confrontation and antagonism, and a cause of indecision and compromise that avoids conflict at all costs but pleases no one. A more intellectually coherent and historically attuned analysis might object to the pairing of consensus and politics. Chantal Mouffe's radical deconstruction of the 'illusion of consensus' in a supposedly post-political world resonates with historians who approach politics dialectically, as the domain in which power is exercised, experienced and contested, and not simply negotiated. If political behaviour is inherently oppositional, the question becomes how to understand the nature of that opposition.¹³

When Revisionist historians moved beyond Whig and Marxist interpretations of the British Civil Wars of the seventeenth century to argue that there was an ideological consensus in the pre-war period, they left themselves open to the charge that their analytical framework militated against the task of elucidating how and why the civil wars started in the first place.¹⁴ Trained to critique their sources, historians are often sceptical of consensus. Paul Addison's thesis of a 'post-war consensus', which prevailed in British politics between 1945 and 1979, did not convince in its details, conceptual rigour, or in the explanatory work to which the term was put.¹⁵ By contrast, the consensus politics defined in this article were distinguished by the necessity of active participation, the utility of disagreement and the potential for conflict.

The article explains the importance of physical attendance at town councils and the problems ensuing from failure to attend. It considers first why councillors had to attend, secondly, what they did at meetings, and thirdly, how councillors were to behave, in the light of the expected outcomes of meetings. It argues that town councils were a distinctive, but unstable expression of urban autonomy. Over time, town councils might grow in size, divide, or multiply; as in Norwich, they might be reconfigured within larger assemblies, so that they were less a single body than a complex political entity of several components. In the skilful and imaginative hands of Leonardi Bruni, these elements were positive virtues of the ideal city-state. The multiplicity of colleges and councils and the regular rotation of office among the citizenry were features of a republican Florentine constitution that was a work of art: intricate, beautifully proportioned, each part in the appropriate place.¹⁶ Yet these institutional changes were the consequence of a much less harmonious political landscape, which was constantly under pressure.

While the main focus of this article is late medieval England, the anxieties to which the records of the Norwich common assembly bear witness were shared in other urban communities, both in England and in continental Europe. England is interesting because of

the residual power of narratives about the development of the pre-modern 'state'. The limited research on non-attendance at councils or assemblies is, unsurprisingly, about the principles of representation and consent in parliament. The author of the early fourteenth-century treatise, the *Modus Tenendi Parliamentum*, made the attendance of the commons as a body essential to the holding of a parliament, because of its members' presence in a representative capacity; but this text was anticipatory, and perhaps wishful thinking, not a reflection of contemporary practice.¹⁷ The truth is that kings and their ministers delayed the formal openings of parliament to await the attendance of *both* the commons *and* the lords.¹⁸ The crown more often regarded poor attendance at English parliaments as an affront to the royal dignity, in personal contempt of the king. In medieval towns and cities, worries about council attendance spoke to their continuing search for authority. The problem of council attendance is the story of how urban communities tried to contain, manage and resolve the tensions arising from a persistent dilemma, once they freed themselves, with varying degrees of success, from the direct control of external lords. In the absence of lordship, how could they generate their own authority?¹⁹

Attendance and citizenship

Because of modern practices of the quorum and the majority, it is tempting to make this a story about numbers. It was no less an authority than F.W. Maitland who wrote in 1898 that 'One of the great books that remain to be written is *The History of the Majority*'.²⁰ To Otto von Gierke, the great German legal historian of the late nineteenth and early twentieth centuries, late medieval cities and the 'golden age' of the craft guilds (1200-1525) held a central place within his periodization of European history. Their collective activities and communal traditions were promising materials in the search for the origins of modern democracy. Gierke was alert to the democratic and progressive potential of the principle of the majority, which, in its purest, numerical form, treated the opinion of each participant as

of equal worth. Where Maitland stressed the peculiar condition of towns (their 'corporate unity'), Gierke argued that this concept of political equality was the product of ancient Germanic ideas of organic fellowship (*Genossenschaft*).²¹ When Egon Flaig asserted the existence of an enduring and seemingly insoluble bond between majority decision making and the practice of democracy in his 2013 monograph, *Die Mehrheitsentscheidung. Entstehung und kulturelle Dynamik*, it was not an entirely novel thesis. Gierke's ideas had already shaped the study of late medieval German towns, where the majority principle was conceived as a 'fundamental element' of democracy.²²

Another feature of scholarship in this field is a preoccupation with law. Gierke believed that the intervention of Roman law and the reception of canon law emboldened sovereign princes and justified authoritarian government. More recent historians of the medieval church have interrogated the relationship between canon law and the principle of the majority, while other scholars have uncovered the influence of the writing of Roman law jurists and glossators on urban practices of majority voting and the quorum in Italy and France.²³ Albert Rigaudière viewed the diligence with which clerks assessed the number of people present at town councils in the south of France as proof of a strictly legal conception of the quorum.²⁴ In southern French towns, scribal practices mirrored the legal commentaries on sections of the Digest, Emperor Justinian's sixth-century codification of Roman law rediscovered in the late eleventh century. These commentaries, written by the Bolognese law professors Accursius and Odofredus in the thirteenth century and by Pierre Jacobi, a southern French jurist in the early fourteenth century, were glosses on Book 3, Title 4, Laws 3 and 4 of the Digest. The original passages in the Digest were about legal representation: no one was to appear in court on behalf of a corporate body such as a city unless the person had been instructed by the city council when at least two thirds (*duae partes*) were present.²⁵ The commentators expanded the two-thirds rule in the provisions of the Digest to encompass all types of decision making by assemblies, which might

include, but were not confined to, elections to civic office. Jacobi's knowledge of municipal law-making in the south of France informed his hypothetical examples of elections of the consuls by the general assembly of Montpellier. From the very end of the twelfth century, the records of meetings of the general assemblies or councils in towns such as Toulouse, Lyon, Aurillac and Tarascon routinely registered the presence of *due partes*. The two-thirds quorum showed how readily the new urban constellations of power in the twelfth and thirteenth centuries absorbed and instrumentalized the inherited precepts of Roman law for their own legitimation.

This multifaceted legal historiography is problematic partly because of the present-centred, teleological thrust of Gierke's paradigm, and partly because, as Rigaudière conceded, the conventions of scribal memoranda said more about the theoretical rules of the quorum in Roman law than about the messy realities of contemporary political practices and participation.²⁶ We should not ask what made a town council quorate in late medieval England because this question assumes that towns fetishized numbers. What they apotheosized, in fact, was the principle that town governance was a collective obligation.

When a townsman swore his oath of citizenship, before witnesses earthly and celestial, he became a member of the corporate body of the town or city in which he resided. Above all, he became a trustworthy man.²⁷ In its acquisition, purchase and possession, the quality of trustworthiness was a commodity and resource, which a person might employ to accumulate his own social capital.²⁸ Within the late medieval city, trustworthiness was a demonstrative action, which was done to others. It was from this active concept of mutual, interpersonal trust, townspeople believed, that urban communal life could grow and regenerate.²⁹ Citizens were to conduct themselves personally 'in the spirit of the fidelity and friendship (*truwe und fraintschaft*) which they are obliged and supposed to provide to each other for support', as a 1481 ordinance from the southern

German town of Nördlingen directed.³⁰ When the city council of York met in May 1417, it concluded that a citizen who tried to defraud the city of income by concealing goods entering the city by river, intended for weighing at the city's common crane on the quayside, was to be condemned as 'unfaithful to the city' (*infidelis civitati*) and to lose his freedom.³¹ In breaking his own word, the citizen's infidelity was a crime against the city. The well-being of this corporate body was built on horizontal and reciprocal ties of obedience, which enabled the urban body politic to rule itself. In the fifteenth-century London freeman's oath, the citizen was to be 'contributory to al maner charges within this cite as somons, watches, contribucions, taskes [taxes], tallages, lotte & skotte'.³² These itemized charges could be compressed and reduced to a single, and universal, phrase: the civic idiom of 'scot and lot', in which 'scot' was the payment of taxes and 'lot' was the burden of office holding.³³ Like the patrolling and protection of a city's streets at night, or the making of a financial contribution to the city, citizens alone among the inhabitants of a town or city were to hold office.

Comparable to the other communal charges to which the citizen was liable, the holding of civic office was a collective bond between those of equal status. In another, slightly later, rendering of the oath, the citizen of London swore to act cooperatively, as a 'partyner of all chargis touchenge the cyte'. The Middle English noun *partyner*, like the Anglo-Norman word *parcener* and the Medieval Latin *parcenarius*, stemmed from the classical Latin *partitio*, denoting a 'division' or 'a sharing'. The citizen was a person who shared, or had a part, in the collective activity of the city. It was an *equal* share, since it was to be held with his fellow citizens: in the London oath, the citizen was to behave 'as other fremen of the cite doo' and 'all other charges bere your parte as another freman shall'.³⁴ Obedience, the foundation of all authority, had a distinctive inflection. It was not quite deference to a superior; it was not a passive state. It was enactment of a collective obligation. It was also a corporal act: in swearing his oath, the individual citizen agreed to

place his body at the service of the corporate body of the town or city.³⁵ We do not have to revert to theories of communication, such as Rudolf Schlögl's concept of face-to-face communication (*Anwesenheitskommunikation*), to grasp the importance to urban decision making of a contemporary 'culture of presence' and of the physical attendance of decision makers.³⁶ Late medieval and early modern towns and cities were bound by a corporal, as well as corporatist, ideology, which conceived of civic duty as a performative and bodily labour.

Of course, the civic discourse of the urban freeman's oath was prescriptive and normative. Yet revisionist studies of the social breadth and depth of office holding in English towns indicate that the rate of citizen participation in civic government was much higher than an older narrative of urban oligarchy might imply, perhaps more than 50 percent. More accurately, they reveal a variegated picture, in which artisanal involvement was greater in some towns and in some periods, depending to some extent on the preference for co-option or annual election.³⁷ If urban citizenship did not confer absolute equality or inclusiveness, and could not erase the social inequalities and prejudices created by differences of wealth, occupation and status, the idea that the citizenry were one corporate body was not a fiction.³⁸ In York, where there were three councils by the last quarter of the fourteenth century, the city's freemen took advantage of their representation in an outer council chosen from among the city's crafts to petition the inner councils of 12 and 24 (the 'good men') frequently from 1490 about the obligation of attendance.³⁹ To ordinary citizens, who were always ready to admonish their rulers to be more assiduous in their official duties, council attendance was a metonym of good governance.

Town councillors had to enact their personal commitment to the corporate ideology of mutual obligation. This framework of rules and expectations was consonant with the forms of civic behaviour desired of the wider citizenry. Like citizens, town councillors swore an oath. In major English towns, such as Exeter, this oath stressed that obedience to the

mayor's summons and attendance at meetings of the council were non-negotiable duties of the office.⁴⁰ In Bristol, where members of the common council were to counsel the mayor and 'to deliberate on the business of the community' (*super negociis communitatis tractaturi*), the councillor vouched that he 'schal come to the Maires sommonce what tyme' he be 'somed or warned' to come to the Guildhall 'and to all other places within this ffranchise'.⁴¹ The Norwich common councillor swore that he would 'come at y^e oure when y^e be somond to y^e comoun counsel of y^e Citee', a reasonable excuse permitting.⁴² This oath, recorded in the city's *Liber Albus*, was a direct copy of the oath taken by members of London's common council, as set down in Latin in London's own *Liber Albus* compiled by John Carpenter in 1419.⁴³ Councillors in the French town of Reims swore 'to come at all times when they are ordered'.⁴⁴ The fifteenth-century oath at the beginning of the York Freeman Register required the alderman of York to swear that he would 'truely Counsell ayed supporte assist ande maynteyn the maire in thoffice of mairaltie'. A later clause, written between the lines of the original oath, explained bluntly the true meaning of counsel. Instead of another verb of action, whose capacity for persuasion might be diminished by repetition, there was explicit instruction: 'and com to ye counsell at all tyme y^t ye shalbe sent fore by the maire'.⁴⁵ These were universal, but unevenly obeyed, civic norms.

Councillors demanded attendance of one another. This system of self-policing was reinforced by a code that was as much social as political. Town councillors, like the leading citizens who governed crafts and fraternities, had reputations to lose. They inhabited the same social world of insistent respectability, circumscribed by the habits and rituals of oath-taking. In several towns and cities such as Norwich, they were the same people. Clerks, who were perhaps also town clerks, meticulously recorded absences at assemblies of the Norwich guild of St George. The names of 'persones' who did not attend were listed separately from those who were present. Singled out in this manner, visually

on the page, they were classed as ‘persones’ who ‘fayled’, in contrast to those who ‘appered’. Failure was not mere absence. Their failure, or deficiency, was moral: they had not kept their word.⁴⁶ They had damaged their own name, and the good name of the guild.

Absence might be mistaken for pretensions of social superiority and personal autonomy, which threatened the authority of the ruling group of *probi homines*, upon whose cohesion the political stability of a city might rest. For all that it directly addressed a Sieneese audience, the visual language of Ambrogio Lorenzetti’s famous fourteenth-century paintings of the consequences of good and bad government in Siena’s Palazzo Pubblico would have been instantly recognizable throughout urban Europe. On the north wall of the *Sala della Pace* is an image of 24 councillors, joined together by a single cord, at either end of which is the personification of *Concordia* and an enthroned figure who may or may not be an allegorical representation of the ‘common good’ or the commune of Siena.⁴⁷ The councillors stand as if in procession, united in a common purpose. Strikingly, in the words of Patrick Boucheron, ‘the councillors are all the same height; they are all different but all equal’.⁴⁸ When group solidarity was endangered in 1424, Norwich’s mayor and aldermen produced a text to which they all had to subscribe.⁴⁹ Notions of fraternity and equality dictated that no one alderman should be more powerful than another. All were equal; they had to do the same things. The aldermen collectively and individually were obliged to ‘come to the Mair to the Gildehalle’ or to any other place within the city boundaries, where the mayor wanted to consult and discuss ‘maters necessary for the Citee and the good gouernaunce of the same’. They were to attend when given notice by the mayor, his officers, or any other person assigned by him; and they were to arrive at the appointed time. They could be excused only if they had fully and adequately explained their absence in advance. Should the mayor judge the civic business pressing, the alderman would have to put aside his ‘personalle excusacions’ and attend.⁵⁰ The coercive language of the writing drew attention only to the insecurities that prompted its drafting. These words

themselves were not enough to obtain obedience. To assert its contents' authenticity and to proclaim its longevity, the codification took the form of a tripartite indenture, made by the city's mayor, sheriffs and aldermen. Confirmed by 'special grace of the holy Trinity', the indenture was imprinted by the motive power of the divine.⁵¹ The alderman's oath would now include a sworn guarantee to comply with the composition. Councillors *demand* attendance because they knew that it could not be assumed.

Political participation could be experienced as a burden, while theorized and idealized as a privilege and civic virtue, a divergence that historians of northern Italian cities, especially Florence, have tended to overlook.⁵² Largely unpaid, office holding was time-consuming and arduous, despite the allowances that municipal authorities made to ease the pressures of public office. The timing of council meetings tried to take account of the rhythms of trade. Episcopal regulations prohibiting work on Sundays and other feast days, which endeavoured to encourage attendance at church, were an opportunity, not a hindrance, to urban authorities.⁵³ Work took many forms. Church festivals were precisely the days when councillors *could* discharge their civic responsibilities, without a conflict of private and public interests and without the distraction of commercial activity. According to Norwich's early fourteenth-century customal, meetings of the city's common assembly were to occur only on 'feast days' (*dies solempnes*), 'for the convenience of merchants' (*propter commodum mercatorum*), because these were days 'when there is no market in the city' (*quando forum non sit in ciuitate*).⁵⁴ In practice, it proved impossible to restrict meetings to a predictable routine anchored by the church's regular liturgical calendar. Only 33 percent (273) of the 837 meetings of the common assembly between 1365 and 1508 were recorded as being held on festal days: specified saints' days and church festivals, Sundays (where the named feast day did not already fall on a Sunday) and periods of extended holiday in Easter week and Whitsuntide.⁵⁵ Matters were further complicated because Norwich's main market place, in which the city had invested heavily through the

purchase of market stalls in the later fourteenth century, was open every day.⁵⁶ The neat temporal division of 'public' and 'private' business was doubly illusory.

In these circumstances, absence was inevitable. While royal writs commanded lords to attend parliament 'ceasing all excuse' (*omni excusacione cessante*), town governments were prepared to display lenience and to waive fines, so long as councillors gave their apologies beforehand.⁵⁷ From 1480, the minutes of meetings of York's councils of 12 and 24 registered absences as well as presences, and, for a short time, between April 1480 and September 1482, it was common for the clerk to state the missing councillor's justification. The three most common terms were: 'ill' (*infirmus*); 'out of town' (*extra villam, extra Ciuitatem*); 'overseas' (*extra mare*).⁵⁸ A fuller form of words was supplied at a meeting in March 1482, where a certain Michael Whyte, whom we know from other records to have been a dyer and twice later mayor of the city (in 1494 and 1505), was said to be 'out of town because he was at market' (*extra quia fuit ad mercatum*).⁵⁹ However, illness could not be tolerated indefinitely. A prolonged period of sickness, which incapacitated a councillor, made fellow citizens query whether he was fit for office and whether he could keep the promises that he had made in his oath.⁶⁰ The York merchant Thomas Scotton had first been elected to the office of alderman in 1484 and, after stepping down in 1487, he had been elected once more in 1490. By 1500, and suffering from a long illness, from which it was thought that he was unlikely to recover, he had not given his 'attendaunce as he awght to do in that rome [place]'. A small delegation of civic officials visited Scotton at his house to present an ultimatum.⁶¹ Citizenship was a mechanism for gaining trust and building trust towards the satisfaction of collective goals. Urban freemen had to promise, on the Gospels, to carry out their public duties. A 1455 ordinance from York admitted that a councillor could be pardoned for his absence on the grounds that 'he was not at home when he was summoned so that he was unaware of his

summons'.⁶² A political system that could operate only through trust and through the trustworthiness of its citizens was open to abuse.

In the face of individual truculence and opportunism, administrative structures were impotent and official coercion ineffectual. It is easy to be seduced by the bureaucratic aspirations of town government, which had rules to organize and control space and time. These spatial and temporal ambitions were a strategy of legitimation through differentiation: their aim was to transform the town council into a governing body, which existed over and above the collective entity of the town. Meetings of town councils were to occur at assigned times and in designated spaces. In 1380, in York, the mayor complained that he and many of the city's other 'good men' (*bonez gentz*) who arrived on time for meetings were 'often delayed' beyond what was reasonable 'for want of those who were notified to be at the hall at a suitable time'.⁶³ Henceforth, if someone were told to come to the town hall but appeared after the names of the 'good men' and the craftsmen were read out and solemnly proclaimed, and after the mayor had 'struck three times on the exchequer with a hammer' (*eit ferri sur leschequer troifoith dune malet*), he should pay a fine 'to the community'. Time was calculated by the reading of an attendance register and by the striking of the mayor's hammer on the exchequer, the table positioned at the dais end of the Guildhall from which the city's accounts were annually read. In April 1505, a Norwich mercer and common councillor came to the Guildhall 'after the seating of the assembly' (*post sedem congregacionis*) and he then 'sat in the assembly without having obtained the mayor's permission' (*sedebat in Congregacione licenciam maioris non optentum*), in breach of a previous ordinance. A year later, five councillors who arrived late at a meeting of the assembly paid their fines 'humbly' (*humiliter*) and 'without opposition' (*absque contradictione*), as they were held to do 'by their oath' (*per eorum juramentum*), all except for the mercer who had disturbed proceedings in 1505. He 'acted coarsely against the mayor and aldermen, not respecting the oath that he had earlier made'.⁶⁴ Just

as individual citizens could disrupt time-bound processes, or rituals, time itself could constrain. At the Norwich assembly in August 1483, the clerk conceded, there were no receipts of fines from absent aldermen and common councillors because they were not recorded by the mayor 'on account of the shortage of time' (*propter breuiacionem temporis*).⁶⁵

Beyond the town hall, where they relied on structures of communication, town governments worried about the fastidiousness and trustworthiness of the officials who acted on behalf, and in the name, of the mayor.⁶⁶ In the confined space of the walled town, mayors and other executive officers depended on the verbal summons. Delivered through face-to-face interaction, it was a *corporalis summonisio*, in the words of a Winchester record.⁶⁷ Doubts about the thoroughness of the mayor's sergeants, who summoned citizens to attend meetings of the town council, surfaced periodically. We see them in Bristol as early as 1326, when action was taken because 'many of the community' (*plures Communitatis*) did not appear when summoned to hear the king's mandates and to determine 'various business touching the condition of the town and community', but 'contemptuously withdraw themselves'. Their withdrawal was departure from the town. The sum of 6d., payable by any individual who did not come before the assigned hour, would be collected so long as 'it should be attested by the sergeants that the person was summoned' (*testatum fuerit per seruientes ipsum esse summonitum*).⁶⁸ In York the mayor's sergeants were the object of greater scrutiny. In September 1455, should any of the mayor's sergeants not make their summons 'in appropriate and effective form' (*en due et sufficiente fourme*), then the sergeant had to pay the fine of the missing councillor.⁶⁹ There were further ordinances in February 1484, February 1486, February 1490, February 1493 and February 1544, which alternated between holding the sergeant directly to account for the absence of the councillor, making him responsible for paying his fine and charging the sergeant separately (and additionally) for his negligence.⁷⁰ These civic

officials, who were intermediaries between the government and the urban population, were a scapegoat for others' faults.

Councillors could not be compelled to attend because the mayor's sergeants had insufficient personal authority outside of their office to enforce mayoral commands and because the source of their official authority was contestable. The sergeants of the mayor of Norwich who told the city assembly in 1471 that they 'dare not' (*audent*) distraint the goods of unwilling taxpayers for fear of threats were clear that it was recalcitrant citizens, not mid-level civic officers, who had the monopoly of physical force.⁷¹ The impotence of office, against the social power of leading citizens, was a familiar theme. The York sergeant who went to speak to an alderman on the orders of the city's councils of 12 and 24 in September 1476 should not have been surprised by his reception. The alderman had absented himself 'diverse tyme from the counsell when he have been sent fore and called thareto be the said maire', removed himself and his household outside the liberty of the city and taken refuge in the Dominican Friary, which was situated in the south-west corner of the city walls. The sergeant, who took another sergeant with him on his mission, hoped that greater numbers would buttress his position and give his words more substance. He explained that the mayor and councillors wanted the alderman in the Guildhall for the election of the city's sheriffs and that they insisted on knowing why he had not come to meetings of the council. The alderman retorted that he would not come to the Guildhall even if 'he had seen the kynges highnesse'.⁷² While oaths of office impressed upon mayors their devolved authority, which was theirs to hold as officers of the king, mayoral claims to rule *in loco regis* were much less palatable in reality within towns and cities.⁷³

In their place, town councils issued new ordinances, invoked older laws and imposed fines on absentees.⁷⁴ The high financial penalties, which amounted to the equivalent of between two and four times the daily wage of a well-paid, skilled building

craftsman, were modified by political pragmatism in subsequent years.⁷⁵ Too many citizens had fallen foul of the law to make the fiscal penalty a serious deterrent. In Leicester, the copy of a 1467 ordinance inserted in the town's first Hall Book, which began in 1477, had multiple crossings out and interlineations, as fines were halved for different categories of councillor, from 2s. to 12d., from 12d. to 8d. to 6d.⁷⁶ In Norwich, a 1372 ordinance remained in force until the third decade of the fifteenth century. Perhaps re-imagined prematurely as the 'ancient penalty' (*antiqua pena*) in October 1379, when the common assembly agreed that the fine on absentees should be levied in its customary manner, the ordinance was written into a 1415 settlement, which re-organized the city's common assembly and established a council of 24 aldermen and a common council of 60.⁷⁷ By July 1422, the fines had been halved. The councillor was to pay the penalty that had been decided in 'various assemblies', namely 12d. from each alderman and 6d. from each member of the common council.⁷⁸ In July 1476 there was an ordinance that each alderman absent from an assembly should forfeit 6d. and each common councillor 3d., while there was an identical ordinance in July 1487 and in August 1491 the clerk noted in the assembly book that each defaulting alderman and common councillor 'should incur the customary penalty' (*incurrat pena consueta*).⁷⁹ The downwards trend was a sign that fines had become more notional than real.

The disciplining power of the town council could only ever be weak when the achievement, and possession, of urban autonomy was predicated on the submission *and* participation of citizens. A town council, which had to rule over the citizenry, drew its membership from the citizenry. Fines could not be so large as to discourage acceptance of office. The culture of constrained participation was also voluntary. It was possible to be excused for non-attendance.

Decision making in urban councils

To understand fully the necessity of attendance, we must consider the functions of urban councils and, specifically, the question of decision making. Town councils were deliberative bodies, but deliberation was not an end in itself: it was expected to lead to decisions. Decisions were judgements. In the arbitration and settlement of conflicts arising from the making of law, the boundary between justice and legislation was porous. Conversely, the power to make statutes could derive from rights of jurisdiction: from the town's ability to issue judgments without agreement from a superior authority.⁸⁰ Some councils pronounced legal judgments because they were also courts of justice, and the records seem less troubled to establish in what position a council (or court) was sitting than their historians. Its main duty was to keep the peace. In northern France, 'many registers' of municipal deliberations 'reflect the primary peace-keeping role of urban magistrates'.⁸¹ The terminology of town councils can mislead: the *convocatio aldermannorum* was the name of the Norwich court of mayor and aldermen, for which there are 'court books' from the 1490s.⁸² The council of mayor and aldermen in London was as much a court as the administrative and legislative hub of town government. The mayor and aldermen sat judicially as a court of equity to hear cases and make decisions according to conscience.⁸³ Hostility could be directed towards their judicial powers, as the London mayor and aldermen heard in October 1442. A London skinner, Nicholas Toller, was reported to have said publicly that John Paddesle, 'the late mayor [1440-1], was a false judge in the time of his mayoralty' (*nuper maior fuit iudex falsa in tempore maioratus sui*), and, while at Stourbridge Fair in Cambridge, that Paddesle 'was the falsest judge who ever occupied the mayor's seat' (*fuit falsissimus iudex qui vnquam sedebat super scamnum in officio maioris*).⁸⁴ Paddesle did not so much maintain the peace as break it; this was a polite version of the words attributed to Ralph Holland in 1443, when the court was told that Holland had said that Paddesle, the late mayor, 'is nothing more than a brawler and always was and will be' (*est nisi brawler et semper fuit et erit*). The protest

about the lack of justice was but a metaphor for dissatisfaction about the decision-making process within the city: its quality and its origin.

Town councils were also often, and increasingly, electoral bodies, where the city's officers were annually elected.⁸⁵ One London deponent in the early 1440s revealed that Ralph Holland had said that 'the community should make a bill against the mayor and aldermen for the injuries done to them because they are biased and ought not to be judges because they cannot have their free elections'.⁸⁶ This was an allusion to the broader grievance of popular participation in elections. Renewed interest in the European history and legacy of voting has encouraged recent work on elections in towns;⁸⁷ but we need to return to an older, and much less fashionable, subject: the making of town ordinances.

A verb commonly found in the records of the Norwich common assembly is the Latin verb *inactitare*. We encounter its inflections consistently in the context of meetings disrupted by absences. A meeting in October 1481 was inconclusive: 'Be it known that, because of those not appearing, nothing was enacted here on this day'.⁸⁸ In similar circumstances in January 1487, the clerk did not write more than the bare minimum: 'nothing was enacted' (*nichil actum fuit*).⁸⁹ The verb 'enact' had a dual sense: it referred to *both* the scribal intervention (the entering of written information in the public records of the city) *and* a practice of government. It was not any practice; it was *the* practice of town government, which separated the communal authority of the municipality from the external power of lordship. Urban freemen of English towns whose lord was the crown promised their loyalty to the monarch and to the officers of the town, but they swore their obedience to the town's ordinances. These gave substance to the freedom of self-government. A fourteenth-century Bristol burgess said that he would 'abide, to the best of his ability, by the ordinances of this town'; a Norwich citizen in the fifteenth century vowed that he would 'alle ordenaunces made or to be made wiye Inne [within] y^e Citte obeyen and perfourmen

from yis [this] day forward'.⁹⁰ An ordinance could be an administrative order, a grant of taxation, or a legislative act, the line between which was narrow.

Town ordinances were actions that 'bynde or charge y^e Cite'.⁹¹ They demanded compliance. We might also define an ordinance negatively, in opposition to custom. Customs were rules, or regulations, based on tradition and practice; inherited, passed on, remembered, they were bundled together, organized, selected and written down episodically. The Bristol freeman was to obey the town's ordinances and to adhere to 'the customs which are good' (*et les custumes qe bones sount*).⁹² We see this juxtaposition in a petition from the citizens of Norwich in 1378, which reminded the king and his council that, whenever 'their ancient customs' (*lour auncienes usages*) were inadequate to remedy 'new offences and wrongs' (*nouveulx defautes & meschief*), they had taken it upon themselves to make 'new ordinances among themselves' (*nouvelles ordinances a faire entre eux mesmes*).⁹³ Ordinances could be characterized by their novelty and the fact of their being made.

Whether they wrote in Latin, Anglo-Norman French, or the vernacular, town clerks sedulously eschewed embellishment for a direct style and a limited lexical field to record council ordinances. Past participles were small in number and interchangeable: 'it is ordained that' (*ordinatum est*);⁹⁴ 'it is granted that' (*concessum est*);⁹⁵ 'it is agreed that' (*concordatum est, it is agreid that*);⁹⁶ 'it is determined that' (*it is determyned that*).⁹⁷ Combinations of participles were common, the order of which was immaterial. The words 'agreed and ordained' (*concessum et ordinatum est, concordatum et ordinatum est*) could be reversed: 'ordained and agreed that' (*ordinatum ... et consensum ut, ordinatum ... et concordatum quod*).⁹⁸ Likewise, the verbal construction 'agreed and determined' (*it is agreid and determyned that*) could be inverted ('determined and agreed'), and we should not rush to assume that this inversion signified the council's assent to a proposal presented to it, or to a decision that had already been taken, elsewhere, offstage.⁹⁹

Another pairing, 'ordained and established that' (*ordeigne est et establi que, ordeined and stablished*), could become: 'agreed, ordained and established that' (*concessum ordinatum et stabilitum est quod, acorde est ordeine et establi que*).¹⁰⁰ All of these diplomatic forms described the result: the decision itself, not the decision-making process that preceded it.¹⁰¹

Decisions were couched in the impersonal, passive voice because councils were instruments of *collective* decision making. Between 1348 and 1352, notaries in the southern French city of Marseille rarely bothered to write down the names of councillors attending meetings of the town council.¹⁰² The scribal lacuna spoke louder than words: the council's decisions were those of the council as a whole. The historiographical division between mayor's councils, which were advisory, and larger bodies or assemblies, which were representative, is a distraction.¹⁰³ Councils did not simply advise, or represent; they did both.¹⁰⁴ When a member of Bristol's common council took his oath, he swore that the advice would be 'good and trewe' or 'trewe and hole'; it would be wise, trustworthy and impartial.¹⁰⁵ On the council's creation in 1344, the councillors were 'elected with common assent' and empowered not only as 'advisers' (*consultores*) but as 'assistants' (*assessores*) to the mayor. They were to act in multiple roles. They were to offer counsel, but they were to take part in government.¹⁰⁶ In fourteenth- and fifteenth-century Exeter, the town councillors were elected 'to assist (*ad auxiliandum*) the mayor and other officers', without whom, or a majority of whom, 'nothing complex touching the community should be decided (*terminetur*)'.¹⁰⁷ Bristol's common council, like Exeter's town council, was far more than an advisory body; it made decisions. The key point is that it did so collectively.

The monarchical culture of counsel was different. Kings were encouraged to take advice, but, in the last resort, they had to exercise their own will. Decision making belonged to them alone. Even the pretence carried political weight. The royal clerk who re-wrote the authorization of a decision made in the king's council in 1450 to read, 'by the

command and authoritative utterance of the king', knew what he was doing.¹⁰⁸ Without an active king, as John Watts argued, the entire monarchical system would collapse. Formally-appointed royal councils were episodic and extraordinary institutions, prompted by extended royal incapacity, as in the event of a minority.¹⁰⁹ There could be tensions between conciliar and quasi-regal modes of governance in towns and cities, between the giving of counsel and the act of decision making. There were some areas of communal regulation, such as local enforcement of the royal assize of bread, which were the special prerogative of the mayor.¹¹⁰ When York's inner councils of 12 and 24 met in November 1482 to decide on the sale of horsebread, the clerk used the words 'agreid that and ordenyd' to summarize the council's decision, before erasing them and replacing them with a new formulation, which implied an alternative locus of authority: 'avysid be the counsell'. When these councils agreed on a new ordinance for the sale of horsebread in December 1483, the condition was that it would be observed the following year and continue thereafter 'at the will of the mair'.¹¹¹ Mayors might entertain higher ambitions, but language is not always the best guide to political practice. The same text that explained the foundation of Bristol's common council in 1344 appointed the mayor as the town's 'governor' (*gubernator*), a word that called to mind a nautical metaphor of rulership, which was indelibly linked to ideas of monarchy. The thirteenth-century mirror for princes 'On Princely Government', attributed to Thomas Aquinas, imagined the king as 'governor', steering the ship of state.¹¹² It was more conventional to think of the mayor as *primus inter pares*. In Robert Ricart's later fifteenth-century account of the annual election of Bristol's mayor, it was the current mayor who, 'by his reason', was expected first to 'name and gyve his voice to som worshipfull man of the seide hows', before the sheriff and then the members of the common council.¹¹³ No one person, not even the mayor, was to dominate proceedings.

The enduring question for town councils was whether their decisions would be binding on the communities from which they came, but which they ruled. Their status as a ruling authority was the object of repeated contestation. Historians have focused primarily, and almost exclusively, on ideas of representation and consent and on practices of consultation and accountability, but the principal concern for townspeople was that town government had to be *really*, and not just formally, collective. Councillors needed to deliberate and decide *together*, in order plausibly to represent the citizens in some way.

To be sure, there were clashes of divergent juridical principles – *quod omnes tangit* or the *major et sanior pars* – which pushed and pulled town government in contrary directions, between adoption of a more directly representative constitution and endorsement of the right of its leading members to act and speak for the community.¹¹⁴ Historians have traced these urban struggles in Germany, but also in other regions at the edges of Europe, such as Sweden and England, where new councils emerged claiming to ‘represent’ the community of citizens in contradistinction to the original council of so-called *probi homines* (good men).¹¹⁵ A familiar English example is London, where conflict would precipitate the formation of a second town council, known as the common council, to rule in partnership with the mayor and aldermen. Suspicion that various mayors and aldermen had ‘made ordinances for their own private advantage’ inspired the declaration in 1376 that certain ‘Commoners ought to be present at the making of every ordinance touching the City in common’. The request that the common council and court of mayor and aldermen meet together at least twice every quarter ‘to consult about the common necessities of the City’ was rehearsed again in 1384, when it was agreed that the two councils would convene together at least four times a year.¹¹⁶ While the court of mayor and aldermen was the senior partner in terms of decision making, the common council assembled more frequently in the fifteenth century and worked in unison with the mayor and aldermen through ‘joint committees’.¹¹⁷ Despite some cautionary words, the debate

has been whether the proliferation of councils, which was not peculiar to London, made town government more or less 'democratic' or 'oligarchic'.

Yet the pressures that modulated the balance of power were a manifestation of the same underlying anxiety: how could towns and cities construct their own authority and prevent it from being canalized or monopolized by any one person or faction? Decision making within the town council did not aspire to be democratic. Town government, and urban politics, revolved not around notions of representation and consent, but around the generation of collective agreement. The precondition of this agreement was the importance of council attendance.

The meaning of 'consensus' in late medieval town politics

In arguing that the challenge for towns was to ensure that enough people attended meetings to share responsibility and actively to express the collective will of the citizenry, we can now set out a new understanding of a model of 'consensus politics' that was common to towns and cities across late medieval Europe. The concept of 'consensus' is much used, but too infrequently defined, by medieval urban historians. It is associated with a universal body of ideas about the good governance of towns, in which the benefits of civic concord, peace and the common good stood in opposition to the perils of division, conflict and tyranny. For good reason, therefore, historians have described consensus as an urban ideology of legitimation. In contrasting an elite model of 'consensus politics', which triumphed over an alternative, popular notion of 'corporate politics' in fifteenth-century Florence, John Najemy underlined its partisan and hegemonic potential.¹¹⁸ Vincent Challet presented consensus as a 'malleable' ideology, with which multiple, sometimes antagonistic, political groups in fourteenth-century Montpellier might find purchase simultaneously; it was a 'political fiction' and 'urban myth', which provided a level of political stability necessary for the city to function as a single, autonomous community,

most especially against the claims of external political actors.¹¹⁹ This analysis risks exaggerating the ‘fictional’ nature of consensus, which struggled to contain the political ‘reality’ of disorder. Further, it places too much distance between consensus and contestation, so as to argue that revolt was the real ‘motor of politics’; and, in demonstrating the utility, elasticity and adaptability of consensus, it can define the concept only in the most general terms.

Consensus was not so much an ideology as a practice. Verbs of construction, of building and re-building, capture something of the dynamics of this practice; even more pertinent, because they emphasize the role of human agency, are verbs of work and labour.¹²⁰ We might also consider consensus less an ideal than an aspiration, which participants endeavoured to enact.¹²¹ Because of their common etymological roots, the terms ‘consensus’ and ‘consent’ are readily conflated, but consensus is not identical to consent, which is imbricated often with the idea of representation and with the consent of the governed.¹²² While consent could mean merely acquiescence, rendered passively and enjoyed implicitly, and while absence and silence could be taken as approval, consensus arose from the practice of collectivity.¹²³ When York’s council resolved in February 1482 to inform the king of the recent election of the city’s mayor, three of the city’s aldermen ‘who were absent’ from the meeting subsequently ‘agreed to everything written within [the council minutes]’.¹²⁴ If attendance was sometimes virtual and retrospective, physical attendance was the preferred basis for the making of consensus. Consensus was both an action and an outcome, and the former was as vital as the latter. It was neither an immanent state nor something that already existed and that was waiting to be discovered; it had to be created.

Consensus could be reached unanimously. For example, it was ‘unanimously agreed’ (*unanimiter consensus*) at an enlarged meeting of York’s city council in February 1420 that aldermen who left the city on the day of the annual mayoral election to prevent

their nomination should be fined.¹²⁵ The emphatic addition of the modifying adverb in this instance throws into relief normal scribal practices, which did not indicate the taking of a decision with the agreement of everyone. Consensus was not the same as unanimity, where everyone agreed, a fundamental distinction that is easily forgotten.¹²⁶ To equate consensus with unanimity is to leave no room for the possibility of dissent, or at least to relegate dissent to a separate sphere: 'Dissent is the hidden face of consensus.'¹²⁷

Consensus was a practice, which required councillors to possess freedom of speech. A town council was not only a body, but a space, which was both literal and discursive. Town councils were venues of public speech.¹²⁸ The citizens of Canterbury who around 1430 composed a text of the corporate privileges, which they alone held because of their collective status, chose to prioritize the right of speaking. The document itemized 'the propretees and the benefetes that fremen of Canterbery hau more than other that be nogth free of the same Citee', the first of which was that 'fremen may come to counseill of the Cite and there speke and to be herd wher other shul voyde and be put away'.¹²⁹ The citizens' prerogative to speak pertained spatially to the physical environment of the town hall and politically to their membership of the council. The council was a discursive body, which is why the fourteenth- and fifteenth-century records of the Norwich common assembly so often feature the verb *loquor* or its variant, *colloquor*. To speak was invariably to talk 'together'.¹³⁰ In this light, speech was a public act, undertaken with and before an audience. About what were councillors to speak? Town councillors in Reims, in northern France, swore that they would 'speak freely their views for the benefit of the public good'.¹³¹ The right to speak came with the obligation, and constraint, to speak only of matters that served the public interest and that did not protect or promote the concerns of the few. Freedom to speak was not freedom of expression. The publicness of speech was ideological.

The right to speak, as the citizens of Canterbury affirmed, was also the right *to be heard*. The regulation of speech within the town council had this objective. Councillors could articulate divergent, even opposing, views; but the ideal was an orderly verbal exchange. To speak freely was to speak without interruption. Occasional council edict reminded councillors to modify their own verbal conduct. Councillors might speak only when authorized to do so, at the invitation or instruction of a higher authority. The 1462 Winchester ordinance, which prohibited a citizen from speaking in future meetings of the city's common assembly 'unless he is ordered to speak' (*nisi ipse qui ordinatur loqui*), did not covet silence.¹³² Councillors had licence to speak contrarily and to voice alternative and conflicting positions on a given topic. They did not engage in dialogue; they debated. This is the conclusion that we should deduce from all those council meetings where clerks did *not* record the taking of decisions unanimously. Solicited for their judgement as to whether the sealing of worsted cloths should continue 'or not' (*vel non*) in 1458, the common council in the Norwich assembly finally gave its verdict, 'after' discussing 'many questions and answers, both for and against' (*post multos interrogaciones et responsiones tam pro et contra*).¹³³ The notary recording a meeting of Marseille's town council in 1349 made sure to signal the diversity of suggestions that preceded, and resulted in, the resolution: 'And after several proposals having been made in the said council and after deliberations on those things having been exchanged, the following decisions were agreed'.¹³⁴ Despite differences of opinion – indeed, *because* of the airing of these differences – the councillors had used their freedom of speech ultimately to make a decision.

Consensus politics not only involved, but promoted, conflict. If motivation and intention can only ever be inferred by the historian, we can be reasonably confident that fear of entanglement in potentially controversial debates helps to explain absences from meetings, attendance at which was always, in the end, a personal choice. The financial

problems experienced by the city of Norwich in the 1370s were not unique, but they were grave. Its citizens, who supplied corporate loans to the crown in 1369 and 1370, were still seeking reimbursement in the reign of Richard II.¹³⁵ When Norwich's common assembly in October 1372 granted the collection of a local tax (£180), which was double the value of the city's normal parliamentary subsidy, the assembly also laid down rules for attendance. If any of the advisory council of 24 (*xxiiij Ciues*) should be absent from a common assembly without presenting a reasonable cause (*ita quod se excuset per attornatum suum*), he would pay 2s; any craftsman (*artifier*) missing an assembly meeting would pay 12d.¹³⁶ Here we can detect councillors' physical reluctance to associate themselves with a tax whose collection, they anticipated, would provoke resistance within the city. In another example, from January 1441, nine members of the common council were named and each fined 6d. for absence from the common assembly, where the mayor of Norwich told his audience that the duke of Norfolk was in the city to request a loan on behalf of the king. Both the aldermen and common councillors who were present (*tunc ibidem presentes*) 'replied that the said city is in such a destitute state in every way that no great sum of money can be raised in the aforesaid city for lending to the lord king'.¹³⁷ Never before had so many councillors defaulted, very likely nervous about the consequences of the uncomfortable decision that they would have to make. As it was, four citizens were elected to accompany the mayor and other aldermen to convey the city's refusal to the duke.¹³⁸ For all that it bestowed political power, participation in decision making could ruin a councillor's reputation. This was one of the messages of the fifteenth-century courtesy poem 'How the Wise Man Taught his Son', which was aimed at urban readers. In the poem, the father warned his son: 'Desire noon office for to beere'. In order to uphold the oath of office, 'Pou muste bi neiȝboris displese & dere [harm]'.¹³⁹ To determine the correct course of action, a councillor had to ignore the perils of unpopularity and to deploy the mental faculties of reason and judgement. It was for a town councillor to decide whether

he would prefer to be a good citizen or a good ruler. It was difficult to be both, and yet he was both citizen and governor.

The culture of decision making in late medieval towns and cities was an extension and an expression of the participatory norms and values of urban citizenship. Councillors, like all citizens, were to work together and attend to communal goals. Urban citizenship could simultaneously destabilize. It infused and invigorated, but also thwarted and frustrated the culture of town councils. It turned every council meeting into a form of plebiscite: through their attendance and participation, citizens/councillors showed or withheld their acceptance of the regime in which they were implicated.¹⁴⁰

Conclusions

Town councils, whether they met separately or gathered in larger assemblies, were an unstable and disputatious, yet necessary, presence in urban politics. They performed the practice of self-government: individual citizens came together periodically to make rules that bound the citizenry as a whole. An embodiment of a culture of urban citizenship, they were instruments of active decision making. They sought to generate consensus through the principles of mutual obligation and corporate responsibility. The problem was that sworn membership of the community as urban freemen entailed not only obedience and duties, but also status and rights: a medieval city was governed by its own citizens, who were both obedient subjects and equal rulers.

Town councils could function only if citizens turned up to their meetings. Without citizens, council meetings might not happen and decisions might not be taken. This is what the clerk meant when he wrote of the meeting of Norwich's common assembly in June 1476 that 'nothing was enacted on this day because of the number of those not appearing'.¹⁴¹ There was no threshold of absence that might be tolerated. The indication of numbers was only approximate. A Norwich shoemaker swore his oath and became a

citizen in the city's common assembly in May 1469, but 'nothing more was enacted at this assembly because of the majority of the common council being absent on this occasion'.¹⁴² 'Nothing' (*nichil*) happened at the assembly in April 1475 'because of absences, namely, of the greater number of all the aldermen and the 60 fellow-citizens [common councillors]'.¹⁴³ At the meeting of August 1491, 'nothing was enacted on this day because of absences, namely, of the greater number of aldermen and 60 fellow-citizens'.¹⁴⁴ The clerk who provided statistical exactitude for a meeting in January 1486, when 'nothing was done on this day for lack of numbers because more than 33 of the whole number did not appear', was the exception that proved the rule, or absence of rules.¹⁴⁵ There was less interest in counting than in noting the 'lack' of councillors (*pro defectu, propter defectu*) in the council chamber.¹⁴⁶ Three new citizens were sworn into the franchise before the Norwich assembly in March 1527, but 'Nothing more was done this daye for defaute of commons'.¹⁴⁷ Individual absences undermined the principle of collective responsibility that legitimated decision making and that made real the claim of urban autonomy.

Enough councillors had to attend to generate verbal agreement, a political concern that was more important than the principle of numbers. The collective production, and reproduction, of consensus was not a fiction, but the course of council meetings could not be controlled. Town clerks favoured an economy of words when proceedings did not go to plan. 'Nothing took place or was done on this day' (*Ad hunc diem nichil processit neque factum fuit*), wrote a clerk of a meeting of the Norwich common assembly in January 1486; in September 1490 the clerk wrote a solitary word: 'nothing'.¹⁴⁸ Agreement came from attendance and participation, and from debate, which could be contentious and inconclusive. This is how we should interpret the brief memorandum of a meeting of the Norwich common assembly in 1494, when 'many other matters were considered, but they ended in nothing'.¹⁴⁹ The Norwich assembly that saw the swearing of oaths of citizenship

by five new freemen of the city in November 1509 was similarly otherwise uneventful and indecisive. 'And on this day', the clerk wrote, 'nothing else was enacted nor did they [the members of the assembly] decide on anything'.¹⁵⁰ The clerk's words were not pungent criticism, but, in their air of irritable resignation, they were an admission that council meetings could disappoint the wishes of those who summoned them.

Precisely on what basis did councillors reach collective agreement? We cannot be sure. The question of what actually happened at council meetings remains unresolved and, perhaps, unresolvable.¹⁵¹ The accepted view is that those charged with writing council records were inclined to disguise the reality of debate and conflict, whether to maintain the public image of the city's governing body or to preserve the political ideal of unanimity.¹⁵² We need to know more about the variable practices of town clerks and notaries across late medieval Europe. The argument here is that the records reveal not a formal process, but a vigorous culture, of decision making in town councils, which escapes the analytical categories of 'discussion' and 'voting'. This culture of decision making demanded participation, valorized mutual obligation and debated consensus, all of which were aspects of a wider culture of urban citizenship.

Communal governments in late medieval towns, both in England and in the rest of Europe, did not possess the personal force that a lord might exercise over, and impose on, townspeople. The peremptory power of divine legitimation came more naturally, and exclusively, to princes and kings, whose rituals, rhetoric and paraphernalia of office signified and conferred religious approbation. Instead of the coercive power of lords or the divine sanction of princes, towns and cities had councils. The deliberations of town councils were both the definition and mechanism of communal autonomy. Town councils did not so much issue edicts as bring citizens together to produce ordinances. Political 'power' in the late medieval city was not an abstract quality or concept. It did not presume a relationship of inequality. Neither a tool of domination deployed by its holder nor an act

done to, and experienced by, others, power was a resource that was constantly remade by its participants.

The urban political landscape, then, was less a system than an unstable set of practices. Attendance at town council meetings could never be guaranteed. Conflict and disagreement were central to the construction of consensus, which was more practical than theoretical. In these various ways, 'consensus' was not the opposite of 'contention'. Just like violent uprising or dissenting speech, problems of non-attendance, decision making and consensus were the result of civic norms and structures of participation and collective agreement. They were a marker of urban identity, a characteristic of civic polities and a source of contentious politics.

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References

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- ¹ For what follows, with references, see J. Dumolyn, J. Haemers, H.R. Oliva Herrer and V. Challet (eds), *The Voices of the People in Late Medieval Europe. Communication and popular politics* (Turnhout, 2014); J. Firnhaber-Baker and D. Schoenaers (eds), *The Routledge History Handbook of Medieval Revolt* (London, 2017); C.D. Liddy, *Contesting the City. The politics of citizenship in English towns, c.1250–c.1530* (Oxford, 2017).
- ² For the polycentric nature of urban society, see P. Lantschner, *The Logic of Political Conflict in Medieval Cities. Italy and the Southern Low Countries, 1370–1440* (Oxford, 2015). On the use of the concept of ‘contentious politics’, see J. Dumolyn and J. Haemers, ‘Takehan, cokerulle, and mutemaque. Naming collective action in the later medieval Low Countries’ in Firnhaber-Baker and Schoenaers, *op.cit.*, 39-54.
- ³ One of these documents is examined below, p. 000. For the background, see B.R. McRee, ‘Peacemaking and its limits in late medieval Norwich’, *English Historical Review*, 109 (1994), 831-66.
- ⁴ For the initial appointments of a royal ‘keeper’, see *Calendar of Patent Rolls, 1436-41*, 76, and *Calendar of Patent Rolls, 1441-46*, 168.
- ⁵ *Ad quam congregacionem nichil fecerunt pro defectu Communis congregacionis non apperencium tam aldermannorum quam Communariorum*: Norfolk Record Office (subsequently NRO), NCR, 16d/1, fo. 7v.
- ⁶ NRO, NCR, 16d/1, fo. 57v.
- ⁷ *congregacio nulla pro absentia aldermannorum*: NRO, NCR, 16d/1, fo. 85v.
- ⁸ NRO, NCR, 16d/2, fo. 20r.
- ⁹ NRO, NCR, 16d/2, fo. 25r.
- ¹⁰ NRO, NCR, 16d/2, fo. 86v.
- ¹¹ *Nichil aliud actum est hac die propter defectum comperencium*: NRO, NCR, 16d/2, fo. 106v.
- ¹² NRO, NCR, 16d/2, fo. 141r.
- ¹³ Chantal Mouffe’s most influential work includes *The Return of the Political* (London, 1993) and *On the Political. Thinking in action* (Abingdon, 2005). The latter was translated into French as *L’illusion du consensus* (Paris, 2016). For a historical perspective, which is more Marxisant than Marxist, see A. Wood, *Riot, Rebellion and Popular Politics in Early Modern England* (Basingstoke, 2002), 15-16.
- ¹⁴ The historiography on the subject is enormous, but for a very useful guide, see T. Harris, ‘Revisiting the causes of the English civil war’, *Huntington Library Quarterly*, 78 (2015), 615-35, which is part of a special issue on the impact and legacy of ‘Revisionism’.
- ¹⁵ For Paul Addison’s thesis, see his *The Road to 1945. British politics and the second world war* (London, 1975). Philip J. Waller’s acerbic review of the book in *English Historical Review*, 92 (1977), 234-5, anticipated later criticisms. For a recent, and much more generous, appraisal, see R. Toye, ‘Per ABCA ad Attlee? The origins and early reception of Paul Addison’s *The Road to 1945*’, *Cercles*, 37 (2020), 67-84.
- ¹⁶ B. Kohl, ‘Leonardo Bruni. Panegyric to the city of Florence’ in B. Kohl and R. Witt (eds), *The Earthly Republic. Italian humanists on government and society* (Manchester, 1978), 135-75.
- ¹⁷ N. Pronay and J. Taylor (eds), *Parliamentary Texts of the Later Middle Ages* (Oxford, 1980), 89-90. M.V. Clarke’s *Medieval Representation and Consent. A study of early parliaments in England and Ireland* (New York, NY, 1964), 317-47 remains the classic study of this aspect of the text, but see also J.R. Maddicott, *The Origins of the English Parliament, 924-1327* (Oxford, 2010), 365-6.
- ¹⁸ J.S. Roskell, ‘The problem of the attendance of the lords in medieval parliaments’, *Historical Research*, 29 (1956), 153-204.

- ¹⁹ J.M. Najemy, *Corporation and Consensus in Florentine Electoral Politics, 1280-1400* (Chapel Hill, NC, 1982), 3-6.
- ²⁰ F.W. Maitland, *Township and Borough* (Cambridge, 1898), 34.
- ²¹ *Ibid.*, 35-6 (see also 18, 22-4); O. von Gierke, 'Über die Geschichte des Majoritätsprinzips' in P. Vinogradoff (ed.), *Essays in Legal History* (Oxford, 1913), 318-27. These pages synthesize various sections of the first three volumes of *Das deutsche Genossenschaftsrecht*. For Gierke's sense of chronology, see *Community in Historical Perspective. A translation of selections from Das deutsche Genossenschaftsrecht (The German Law of Fellowship)*, ed. A. Black (Cambridge, 1990), 9-12, 32-61.
- ²² E. Flaig, *Die Mehrheitsentscheidung. Entstehung und kulturelle Dynamik* (Paderborn, 2013); E. Isenmann, *Die deutsche Stadt im Mittelalter 1150-1550. Stadtgestalt, Recht, Verfassung, Stadtrecht, Kirche, Gesellschaft, Wirtschaft* (2nd ed., Vienna, 2014), 369-70. Alternatively, see J.H. Burns, 'Majorities. An exploration', *History of Political Thought*, 24 (2003), 66-85.
- ²³ On canon law, see A. Glomb, *Sentantia plurimorum. Das Mehrheitsprinzip in den Quellen des kanonischen Rechts und im Schrifttum der klassischen Kanonistik* (Cologne, 2008). On Roman law, see D. Waley, *The Italian City-Republics* (3rd ed., London, 1988), 37-8; A. Black, *Guilds and Civil Society in European Political Thought from the Twelfth Century to the Present* (London, 1984), 61.
- ²⁴ A. Rigaudière, 'Voter dans les villes de France au Moyen Âge (XIIIe-XVe s.)', *Comptes rendus des séances de l'Académie des Inscriptions et Belles-Lettres*, 144 (2000), 1449.
- ²⁵ A. Watson (ed.), *The Digest of Justinian* (4 vols., Philadelphia, PA, 2009), I. 97.
- ²⁶ Rigaudière, *op.cit.*, 1449-52.
- ²⁷ For the power of the late medieval discourse of 'trustworthy men', see I. Forrest's brilliant new book, *Trustworthy Men. How inequality and faith made the medieval church* (Princeton, NJ, 2018).
- ²⁸ G. Rosser, *The Art of Solidarity in the Middle Ages. Guilds in England 1250-1550* (Oxford, 2015), ch. 5.
- ²⁹ For different ways of thinking about trust, both as a discrete 'thing' and as the basis of 'cooperation' within a given society, see the essays in D. Gambetta (ed.), *Trust. Making and breaking cooperative relations* (Oxford, 1988).
- ³⁰ U. Meier, 'Gemeinnutz und Vaterlandsliebe. Kontroversen über die normative Grundlagen des Bürgerbegriffs im späten Mittelalter' in R.C. Schwinges (ed.), *Neubürger im späten Mittelalter. Migration und Austausch in der Städtelandschaft des alten Reiches (1250-1550)* (Berlin, 2002), 70n.44.
- ³¹ M. Sellers (ed.), *York Memorandum Book* (subsequently *YMB*), Surtees Society, 120, 125 (1912, 1914), II. 81.
- ³² L. Jefferson (ed.), *The Medieval Account Books of the Mercers of London. An edition and translation* (2 vols., Aldershot, 2009), II. 1031; Richard Arnold, *The Customs of London, otherwise called, Arnold's Chronicle*, ed. F. Douce (London, 1811), 96.
- ³³ Liddy, *op.cit.*, 28-9.
- ³⁴ Arnold, *op.cit.*, 96; Jefferson (ed.), *op.cit.*, II. 1031.
- ³⁵ Liddy, *op.cit.*, 28. For a profoundly monarchical concept of obedience, see N. Saul, *Richard II* (New Haven, CT, 1997), 248-50, 385-8.
- ³⁶ The concept sketched out in R. Schlögl, 'Vergesellschaftung unter Anwesenden. Zur kommunikativen Form des Politischen in der vormodernen Stadt', in R. Schlögl (ed.), *Interaktion und Herrschaft. Die Politik in der frühneuzeitlichen Stadt* (Constance, 2004), 9-62, is developed more fully in Schlögl's *Anwesende und Abwesende. Grundriss für eine Gesellschaftsgeschichte der Frühen Neuzeit* (Constance, 2014).
- ³⁷ S. Sagui, 'Mid-level officials in fifteenth-century Norwich', in L. Clark and C. Rawcliffe (eds), *Society in an Age of Plague* (Woodbridge, 2013), 101-21; C.E. Carpenter, 'The Formation of Urban Élités. Civic officials in late-medieval York, 1476-1525' (D.Phil., York,

2001), 250-4; D.A. Durkee, 'Social Mobility and the Worsted Weavers of Norwich, c.1450-1530 (Ph.D., Durham, 2017), ch. 8.

³⁸ These themes are explored in Liddy, *op.cit.*

³⁹ L.C. Attreed (ed.), *York House Books, 1461-1490* (subsequently *YHB*) (2 vols., Stroud, 1991), II. 674;

A. Raine (ed.), *York Civic Records* (subsequently *YCR*), 8 vols., Yorkshire Arch. Soc. Rec. Ser., 98-119 (1938-52), II. 96; *YCR*, IV. 99.

⁴⁰ B. Wilkinson, *The Medieval Council of Exeter* (Manchester, 1931), 68.

⁴¹ F.B. Bickley (ed.), *The Little Red Book of Bristol* (subsequently *LRB*) (2 vols., Bristol, 1900), I. 25-6, 1.

⁴² W. Hudson and J. Cottingham (eds), *The Records of the City of Norwich* (subsequently *RCN*) (2 vols., Norwich, 1906-10), I. 122.

⁴³ Cf. *RCN*, I. 122, and H.T. Riley (ed.), *The Liber Albus* (London, 1861), 36-7.

⁴⁴ C. Rager, 'Les premiers registres de délibérations municipales tenus dans les villes champenoises. Enjeux politiques et innovations documentaires (XV^e siècle)', *Médiévales*, 76 (2019), 102.

⁴⁵ York City Archives (subsequently *YCA*), D1, fo. 1v.

⁴⁶ On the moral obligation of attendance, see the rhetoric occasioned by Thomas Scotton's moral failure, discussed below, p. 000.

⁴⁷ P. Boucheron, *The Power of Images. Siena, 1338* (Cambridge, 2018).

⁴⁸ *Ibid.*, 27.

⁴⁹ For the political context, see above, p. 000.

⁵⁰ *RCN*, I. 109.

⁵¹ *RCN*, I. 109-13. The Holy Trinity had a special, local significance in Norwich. It was the dedication of the city's cathedral, its image adorned the reverse of the city's common seal and it was summoned also in 1415 to reconcile parties in another conflict in the city: Liddy, *op.cit.*, 196.

⁵² For a more nuanced assessment, see L. Tanzini, *A consiglio. La vita politica nell'Italia dei comuni* (Roma-Bari, 2014), 86-9, which argues for the 'schizophrenic' nature of citizens' relationships with Italian city councils, caught between a 'duty' and a 'right'.

⁵³ For the ecclesiastical framework from the thirteenth century, see C.R. Cheney, 'Rules for the observance of feast-days in medieval England', *Historical Research*, 34 (1961), 117-47. For practice on the rural estates of a major ecclesiastical landlord, see B.F. Harvey, 'Work and *fešta ferianda* in medieval England', *Journal of Ecclesiastical History*, 23 (1972), 289-308.

⁵⁴ *RCN*, I. 191-2. The translations are my own.

⁵⁵ These figures, necessarily incomplete because there are several gaps in the records (some of considerable length, for example 1386-1413 and 1426-36), are based on the series of extant assembly rolls and assembly proceedings books: NRO, NCR, 8d, 39-42 Edward III, up to NRO, NCR, 16d/2.

⁵⁶ J. Campbell, 'Norwich' in M.D. Lobel and W.H. John (eds), *Historic Towns. The Atlas of Historic Towns, Vol. II* (London, 1975), 13.

⁵⁷ Roskell, *op.cit.*, 156.

⁵⁸ *YHB*, I. 214-18, 231, 250-2, 264. For examples of the Latin terminology, see *YCA*, B2/4, fos. 4v-5v. For the novelty of these practices, see S. Rees Jones, 'Emotions, Speech, and the Art of Politics in Fifteenth-Century York'. *House books, mystery plays and Richard Duke of Gloucester*, *Urban History*, 44 (2017), 591.

⁵⁹ *YHB*, I. 252; *YCA*, B2/4, fo. 54v. For White, see Carpenter, 'Formation of Urban Élites', 120, 126.

⁶⁰ See, for example, *YHB*, I. 306.

⁶¹ For the events of 1500, see *YCR*, II. 159-60. On the spatial understanding of office and the equation between 'office' and 'place', see P. Withington, *The Politics of*

Commonwealth. Cities and freemen in early modern England (Cambridge, 2005), 87-90.

For Scotton's career as an alderman, see *YHB*, I. 334, and II. 531, 669.

⁶² *YMB*, II. 199. My translation.

⁶³ *en défaut de ceux que sount garniez pur estre a la sale en temps covable sicom ad este use de tut temps avaunt ces heures*. For this and what follows, see *YMB*, I. 39-40.

⁶⁴ NRO, NCR, 16d/2, fos. 70r, 75r. The Latin reads: *se Robustus habuit contra maiorem et aldermannos sacramentum suum prius factum non verens*.

⁶⁵ NRO, NCR, 16d/1, fo. 125r.

⁶⁶ There are many recent studies on the centrality of communication to the operation of urban government in late medieval and early modern Europe, but one of the most important is F. De Vivo, *Information and Communication in Venice. Rethinking early modern politics* (Oxford, 2007).

⁶⁷ W.H.B. Bird (ed.), *The Black Book of Winchester* (Winchester, 1925), 122.

⁶⁸ *LRB*, I. 105. The translations are my own.

⁶⁹ *YMB*, II. 199. My translation

⁷⁰ *YHB*, I. 302, and II. 465, 674; *YCR*, II. 96, and IV. 99.

⁷¹ NRO, NCR, 16d/1, fos. 89v-90r. For a more optimistic view of the potential agency and autonomy of such officers, see J. Lee, 'Political intermediaries, political engagement and the politics of everyday life in urban Tudor England' in R. Schlögl (ed.), *Urban Elections and Decision-Making in Early Modern Europe, 1500-1800* (Newcastle, 2009), 179-95.

⁷² *YHB*, I. 60-1.

⁷³ S. Rigby, 'Urban "oligarchy" in late medieval England' in J.A.F. Thomson (ed.), *Towns and Townspeople in the Fifteenth Century* (Gloucester, 1988), 64-5; C.D. Liddy, "'Sir ye be not kyng". Citizenship and speech in late medieval and early modern England', *The Historical Journal*, 60 (2017), 587-8.

⁷⁴ For examples of town laws, see W.G. Benham (ed.), *The Red Paper Book of Colchester* (Colchester, 1902), 3, 159-60, and A.D. Dyer, *The City of Worcester in the Sixteenth Century* (Leicester, 1973), 196.

⁷⁵ For daily wage rates in one English town, see S.A.C. Penn, 'A hidden workforce. Building workers in fourteenth-century Bristol', *Transactions of the Bristol and Gloucestershire Archaeological Society*, 109 (1991), 171-8.

⁷⁶ M. Bateson (ed.), *Records of the Borough of Leicester* (2 vols., London, 1899-1901), II. 293-4.

⁷⁷ NRO, NCR, 3-4 Richard II, m. 1r; *RCN*, i. 94. For the details of the 1372 ordinance, see below, p. 000.

⁷⁸ NRO, NCR, 8d, 1420-26, m. 2r.

⁷⁹ NRO, NCR, 16d/1, fos. 106v and 135r; 16d/2, fo. 21v.

⁸⁰ J.-M. Cauchies, 'L'activité législative communale dans l'Occident médiéval: directions et pistes de recherche' in J.-M. Cauchies and E. Bousmar (eds), *"Faire bans, edictz et status": légiférer dans la ville médiévale. Sources, objets, acteurs de l'activité législative communale en Occident, ca 1200-1550* (Brussels, 2001), 4.

⁸¹ G. Small, 'Municipal registers of deliberations in the fourteenth and fifteenth centuries' in J.-P. Genet and F.-J. Ruggiu (eds), *Les idées passent-elles la Manche? Savoirs, représentations, pratiques (France-Angleterre, Xe-XXe siècles)* (Paris, 2007), 41.

⁸² NRO, NCR, 17d/7, 16a/2. For comment, see *RCN*, I. cxxx-cxxxiv.

⁸³ P. Tucker, *Law Courts and Lawyers in the City of London, 1300-1550* (Cambridge, 2007), 11, 114, 116, 207.

⁸⁴ London Metropolitan Archives (subsequently LMA), COL/CC/01/01/003, fo. 156v. For the context, see C.M. Barron, 'Ralph Holland and the London radicals, 1438-1444' in R. Holt and G. Rosser (eds), *The English Medieval Town. A reader in English urban history 1200-1540* (London, 1990), 160-83.

⁸⁵ Rigby, *op.cit.*, 74-6.

- ⁸⁶ *comunitas faceret billam contra maiorem et aldermannos pro iniuriis eis illatis quia ipsi sunt partes et non deberent iudices esse quia non possunt habere liberas electiones suas*: LMA, COL/CC/01/01/004, fo. 11v.
- ⁸⁷ See, for example, the essays in S. Ferente, L. Kunčević and M. Pattenden (eds), *Cultures of Voting in Pre-Modern Europe* (Abingdon, 2018).
- ⁸⁸ *Et sciendum est quod in defectu non comparencium nichil hic fuit actuatum hac die*: NRO, NCR, 16d/1, fo. 117v.
- ⁸⁹ NRO, NCR, 16d/1, fo. 133r.
- ⁹⁰ *LRB*, I. 51; *RCN*, I. 129.
- ⁹¹ *RCN*, I. 98.
- ⁹² *LRB*, I. 51.
- ⁹³ *RCN*, I. 64-5; The National Archives (subsequently TNA), SC 8/18/892.
- ⁹⁴ NRO, NCR, 8d, 39-42 Edward III, mm. 6d, 7r; 46 Edward III, m. 1r; 1-2, 3-4, 5-6 Richard II.
- ⁹⁵ NRO, NCR, 8d, 46 Edward III, m. 1; 1-2 Richard II, 1413-14; 1420-26, m. 1.
- ⁹⁶ NRO, NCR, 8d, 46 Edward III, m. 1r; 3-4 Richard II; *YHB*, I. 228, 232, 239-42, 251-2.
- ⁹⁷ *YHB*, I. 247, 359, 367, 370, and II. 551, 585, 593.
- ⁹⁸ *LRB*, I. 104-5; *YMB*, I. 33, 44, and *YHB*, I. 5, 36; NRO, NCR, 8d, 1420-26, mm. 2r, 3r, and 16d/1, fos. 8v, 15r.
- ⁹⁹ *YHB*, I. 246, 369, and II. 610, 647.
- ¹⁰⁰ For two examples of the pairing, see *YMB*, I. 13-16; *YHB*, I. 29. More emphatically, see NRO, NCR, 16d/1, fo. 15r; *YMB*, I. 16.
- ¹⁰¹ For the distinction between the ‘decision’ (*Entscheidung*) and the process of ‘decision-making’ (*Entscheiden*), see P. Hoffmann-Rehnitz, A. Krischer and M. Pohlig, ‘Entscheiden als Problem der Geschichtswissenschaft’, *Zeitschrift für Historische Forschung*, 45 (2018), 227-32.
- ¹⁰² F. Otchakovsky-Laurens, ‘Par l’écrit et par le droit. La construction du bien commun à Marseille au XIV^e siècle’, *Le Moyen Age*, 120 (2014), 660-1.
- ¹⁰³ For an example of this long-established focus of research, see J.S. Furley, *City Government of Winchester from the Records of the XIV and XV Centuries* (Oxford, 1923), 62, 64-5, 67.
- ¹⁰⁴ E. Hartrich, ‘Locality, polity and the politics of counsel. Royal and urban councils in England, 1420-1429’ in J. Rose (ed.), *The Politics of Counsel in England and Scotland, 1286-1707* (Oxford, 2016), 4-7.
- ¹⁰⁵ *LRB*, I. 1. For common councils in Norwich and London, see *RCN*, I. 122; Riley, *op.cit.*, 36.
- ¹⁰⁶ *LRB*, I. 25.
- ¹⁰⁷ Wilkinson, *op.cit.*, 80.
- ¹⁰⁸ S. Walker, review of J. Watts, *Henry VI and the Politics of Kingship* (Cambridge, 1996), in *The Times Literary Supplement*, 1 November 1996, 28.
- ¹⁰⁹ J. Watts, *Henry VI and the Politics of Kingship* (Cambridge, 1996), 26-8, 76-8, 85-6, 108-111, 363-66. For a more recent assessment, over a longer period, see J. Watts, ‘Counsel and the king’s council in England, c.1340-c.1540’, in Rose, *op.cit.*, 63-86.
- ¹¹⁰ For the mayor’s customary role with regards to the assize of bread, see Robert Ricart, *The Maire of Bristowe is Kalendar*, ed. L.T. Smith (Camden Society, new ser., 5, 1872), 82-3; Bateson (ed.), *op.cit.*, II. 319.
- ¹¹¹ *YHB*, I. 270, 299.
- ¹¹² A.P.D’Entreves (ed.), *Aquinas. Selected Political Writings* (Oxford, 1948), 72-3.
- ¹¹³ Ricart, *op.cit.*, 70.
- ¹¹⁴ The classic account of English towns is Rigby, *op.cit.*, 62-86. For an innovative, interdisciplinary approach, see J. Huyghe, ‘Conduites de représentations et formation de l’élite urbaine. Politiques de communication des conseils municipaux en France à la fin du

Moyen Âge' in J.A. Solórzano Telechea and B. Arízaga Bolumburu (eds), *La gobernanza de la ciudad europea en la Edad Media* (Logroño, 2011), 463-85.

¹¹⁵ For Germany, see, for example, G. Gleba, *Die Gemeinde als alternatives Ordnungsmodell. Zur sozialen und politischen Differenzierung des Gemeindebegriffes in den innerstädtischen Auseinandersetzungen des 14. und 15. Jahrhunderts*. Mainz, Magdeburg, München, Lübeck (Cologne and Vienna, 1989). For evidence from Sweden, viewed in a comparative perspective, see S. Gustafsson, 'The introduction of large councils in late medieval towns. The example of Stockholm' in B. Eersels and J. Haemers (eds), *Words and Deeds. Shaping urban politics from below in late medieval Europe* (Turnhout, 2020), 73-87.

¹¹⁶ R.R. Sharpe (ed.), *Calendar of Letter-Books of the City of London: H, 1375-1399* (London, 1907), 38-40, 241.

¹¹⁷ C.M. Barron, *London in the Later Middle Ages. Government and people 1200-1500* (Oxford, 2004), 131-6.

¹¹⁸ Najemy, *op.cit.*; J.M. Najemy, *A History of Florence, 1200-1575* (Malden, MA, 2006), chs. 6-8.

¹¹⁹ V. Challet, 'Construction, deconstruction, reconstruction: l'impossible consensus en tant que mythe urbain (Montpellier, 1379-1381)' in J.-P. Genet, D. Le Page and O. Mattéoni (eds), *Consensus et représentation* (Paris, 2017), 234-5, 249.

¹²⁰ M. Hébert: 'Consensus et représentation en Europe occidentale, XIII^e-XVII^e siècle. Une introduction' in Genet, Le Page and Mattéoni (eds), *op.cit.*, 29.

¹²¹ For an analogy, see the essay by the social anthropologist Judith Scheele on the concept of 'community': 'Community as an achievement. Kabyle customary law and beyond' in F. Pirie and J. Scheele (eds), *Legalism. Community and justice* (Oxford, 2014), 177-200.

¹²² Hébert, *op.cit.*, 27.

¹²³ On the polyvalent nature of consent, see J. Dunbabin, 'Government', in J.H. Burns (ed.), *The Cambridge History of Medieval Political Thought c. 350–c. 1450* (Cambridge, 1988), 518-19. I see a sharper distinction between consent and consensus.

¹²⁴ *concordi sunt ad omnium infrascriptum: YHB*, I. 248.

¹²⁵ *YMB*, II. 91.

¹²⁶ S. Reynolds, *Kingdoms and Communities in Western Europe 900-1300* (2nd ed., Oxford, 1997), 190.

¹²⁷ J.-P. Genet: 'Idéal, consensus, dissensus', in Genet, Le Page and Mattéoni, *op.cit.*, 58.

¹²⁸ Tanzini, *A consiglio*, 91.

¹²⁹ Bodleian Library, MS Tanner 165, fo. 80v. For a modern translation, see *English Historical Documents*, iv. 1327–1485, ed. A.R. Myers (London, 1969), 569-70.

¹³⁰ C.D. Liddy, "'Bee war of gyle in borugh.'" Taxation and political discourse in late medieval English towns' in A. Gamberini, J.-P. Genet and A. Zorzi (eds), *The Languages of Political Society, Western Europe, 14th -17th Centuries* (Rome, 2011), 469.

¹³¹ *dire franchement au bien de la chose publique leurs opinions: Rager*, *op.cit.*, 102.

¹³² Bird (ed.), *op.cit.*, p. 88. For similar rules, see Liddy, *Contesting the City*, *op.cit.*, 142.

¹³³ NRO, NCR, fo. 41r.

¹³⁴ Otchakovsky-Laurens, *op.cit.*, 660 n.10. Otchakovsky-Laurens's translation is looser, but perhaps best communicates the sense of debate: 'Après plusieurs propositions échangées par les conseillers, le conseil prit dans la concorde les décisions suivantes'.

¹³⁵ TNA, SC 8/121/6026, SC 8/129/6419. For the background, see C.D. Liddy, *War, Politics and Finance in Late Medieval English Towns. Bristol, York and the crown, 1350-1400* (Woodbridge, 2005), 20-57.

¹³⁶ NRO, NCR, 8d, 46-8 Edward III, m. 1r.

¹³⁷ NRO, NCR, 16d/1, fo. 17v: *responderunt quod dicta Ciuitas ita desolata diuersis omnibus existit quod nulla notabilis summa pecunie dicto domino Regi prestari in Ciuitate predicta potest leuari.*

¹³⁸ It was from around 1440 that John Mowbray, third duke of Norfolk, began to ‘challenge’ the earl of Suffolk ‘for a share in local rule’ in East Anglia: H. Castor, *The King, the Crown, and the Duchy of Lancaster. Public authority and private power, 1399-1461* (Oxford, 2000), 100-1, 108-19.

¹³⁹ F.J. Furnivall (ed.), *The Babees Book* (Early English Text Society, 32, 1868), 49.

¹⁴⁰ I would like to thank John Watts for this point.

¹⁴¹ *Ad hunc diem nichil fit in actubis pro defectu numeri non comparencium*: NRO, NCR, 16d/1, fo. 106v.

¹⁴² *Ad hanc Congregacionem vlterius nichil actum est pro defectu magne partis Communis consilii absentis hac vice*: NRO, NCR, 16d/2, fo. 82r.

¹⁴³ *nichil pro defectu absencium videlicet de maiore numero omnium aldermannorum et lx^{ta} Conciuium*: NRO, NCR, 16d/2, fo. 104r.

¹⁴⁴ *Hac die nichil actum est pro defectu absencium videlicet de maiore numero Aldermannorum et lx^{ta} conciuium*: NRO, NCR, 16d/2, fo. 21v.

¹⁴⁵ *Ad hunc diem nichil factum fuit pro defectu numeri quia vltra xxxiij de integro numero non comparuerunt*: NRO, NCR, 16d/2, fo. 130r.

¹⁴⁶ See above, p. 000.

¹⁴⁷ NRO, NCR, 16d/2, fo. 146r. The commons were the members of the city’s common council.

¹⁴⁸ NRO, NCR, 16d/1, fos. 130r, 140r.

¹⁴⁹ *Et quam plures alie materie mote fuerunt set in nullo aut in aliqua articula earundem conclusiuerunt*: NRO, NCR, 16d/2, fo. 33v.

¹⁵⁰ *Et hac die nichil vlterius actum est nec in aliquo conclusuerunt*: NRO, NCR, 16d/2, fo. 84v.

¹⁵¹ See, for example, F. Otchakovsky, ‘The *universitas massilie*, an assembly of the whole city? Power struggles and social tensions in Marseille during the 14th century’, in Eersels and Haemers (eds), *op.cit.*, 40.

¹⁵² C. Fargeix, ‘La reconnaissance des délibérations lors des assemblées lyonnaises du XVe siècle dans les registres consulaires. Un problème politique’ in P. Boucheron and N. Offenstadt (eds), *L’espace public au Moyen Âge. Débats autour de Jürgen Habermas* (Paris, 2011), 220-2; L. Tanzini, ‘From discussion to vote. Practices of political deliberation and written records in communal Italy’ in Ferente, Kunčević and Pattenden (eds), *op.cit.*, 175-6. See also Tanzini, *A consiglio*, 98.